IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Con.Case(C).No. 1089 of 2006(S)

AGAINST THE JUDGEMENT IN OP.11435/1991 Dated 23/01/1996

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PETITIONERS:-

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1. K.P.KALISTUS,
RETD. ASST. ENGINEER,
KONNOTH HOUSE, A.P.XVII/14,
VIJAYAMBIKA ROAD END, AROOR.P.O.,
ALAPPUZHA.

2. V.N.HARIHARAN, RETD. DECK HAND,
VALAVIL HOUSE, PANAVALLY.P.O., ALAPPUZHA.

3. V.VASUDHARAN, RETD. SKIPPER,
VARSHA VIHAR, EDAKOCHI.P.O., KOCHI.

4. M.D.VELAPPAN, RETD. DECK HAND,
MANAZHATH HOUSE EDAKOCHI.P.O.,
KOCHI.

5. MURALIDHARAN, RETD. DECK HAND,
PUTHUSSERIL HOUSE, PUTHENTHURA.P.O.,
NEENDAKARA, KOLLAM.

6. V.S.RAMESH BABU,
ASST. ENGINEER, MATSYAFED NET FACTORY,
ERNAKULAM, RESIDING AT VALAPPILLY HOUSE,
PANAVALLY, CHERTHALA.

7. T.A.JOSEPH, JR.SKIPPER,
MATSYAFED OBM DIVISION,
WELLINGTON ISLAND,
RESIDING AT THAYIL HOUSE,
ST.JOHN PATTOM, KOCHI.

8. P.V.ANTONY, OILMAN,
MATSYAFED NET FACTORY,
ERNAKULAM, RESIDING AT PUTHENPURACKAL, P.D.ROAD,
PALLURUTHY, KOCHI.

9. A.K.SATHEESH BABU, OILMAN,
MATSYAFED NET FACTORY,
ERNAKULAM, RESIDING AT ANJANA,
39/5371, ALAPPATT ROAD, KOCHI.

(.....2)

10. C.V.SREENIVASAN, DECK HAND,
MATSYAFED DISTRICT OFFICE, ERNAKULAM,
RESIDING AT CHAKKANTHARA HOUSE, AROOR.P.O.,
ALAPPUZHA.

11. E.J.JOSEPH MAXON,
DECK HAND, MATSYAFED DISTRICT OFFICE,
ERNAKULAM, RESIDING AT ELAYADATH HOUSE,
MUNDAMVELI.P.O., KOCHI.

12. K.K.SADANANDAN, JR.SKIPPER,
MATSYAFED DISTRICT OFFICE,
ALAPPUZHA, RESIDING AT KIZHAKKE THAYYIL HOUSE,
CHETTY.P.O., CHERTHALA.

13. KAMALANDANATH, DECK HAND,
MATSYAFED DISTRICT OFFICE, KOLLAM,
RESIDING AT CHALIL HOUSE,
PANIKARKADAVU, KARUNAGAPPALLY, KOLLAM.

14. M.P.BALACHANDRAN,
RESIDING AT MADATHILODATH HOUSE,
THURUMKULAM.P.O., KUNDOOR, THRISSUR.

BY ADV. SRI.K.R.KURUP
SRI.C.R.SYAMKUMAR
SRI.K.J.ABRAHAM
SRI.LAVARAJ M.G.
SRI.C.R.VINOD KUMAR

RESPONDENTS:
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1. K.N.MOHAN NAMBIAR,
S/O.NAMBIAR, AGED ABOUT 52 YEARS,
MANAGING DIRECTOR, THE KERALA STATE CO-OP.
FEDERATION FOR FISHERIES DEVELOPMENT LTD.,
(MATSYAFED), KURAVANKONAM, THIRUVANANTHAPURAM.

2. LISSIE JACOB, W/O.JACOB,
AGED 56 YEARS, CHIEF SECRETARY TO GOVERNMENT OF KERALA,
SECRETARIATE, THIRUVANANTHAPURAM.

(Impleaded as per order in I.A.No.108/2007 dated 13-2-2007)

R1 BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN
R2 BY GOVT. PLEADER SHRI.P.NANDAKUMAR.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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C.O.C.No.1089 OF 2006-S.

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Dated this the 30th day of March, 2007.

J U D G M E N T

The petitioners have approached this Court complaining that the directions issued in the judgment in OP.No.11435/1991 pronounced on 23-1-1996 were not complied with by the respondents. As on the date of the filing of this Case, the respondents had not passed orders regularising the service of the petitioners who were in the service of the Matsyafed in the respective categories. Hence notice was ordered to the respondents directing them to enter appearance. Affidavits were filed by the respondents stating the difficulties experienced by them in implementing Annexure-A1 judgment. However, after availing the adjournments granted by this Court, ultimately the

Government passed an order on 22-3-2007 in purported compliance of the order of this Court, of course, after a long delay. This Court felt that the order passed by the Government on 22-3-2007 did not satisfy the requirements of the directions issued in the judgment in OP.No.1435/19991 and expressed the view that a revised order will have to be passed if the Government wants to contend successfully that the directions in the judgment have been complied with.

2. Today, Sri.Nandakumar, learned Sr. Govt. Pleader for the addl. 2nd respondent, has handed over a copy of the Government order - G.O.(Rt.) No.13/2007/F&PD, dated 29-3-2007 by which appropriate modifications have been made in the earlier order passed by the Government on 22-3-2007. Going through the aforesaid two Government orders - G.O. dated 22-3-2007 and G.O. 29-3-2007, I am of the view that the directions issued in the judgment dtd.23-1-1996, namely, to regularise the service of the petitioners who were in the service of the Matsyafed in the

respective categories as on the date of that judgment, stand complied with.

3. Of course, the above two Government orders have been passed far beyond the time limit fixed by this Court. I have gone through the affidavits filed by the respondents explaining the delay and I am satisfied that the delay was neither wilful nor deliberate but for reasons which are condonable having regard to the time required in matters involving financial implications and due discharge of the administrative functions of the Government through its officers. The apology tendered by the respondents is accepted.

4. Before concluding, I have to take notice of the grievance of the petitioners brought to my notice through the counsel for the parties that by the delay caused by the respondents in the implementation of the orders of this Court, the petitioners would be deprived of the benefits which they are otherwise entitled to, particularly, as a consequence of the rider

incorporated in the Govt. orders referred to above. I think, this is a matter for the petitioners to take up in appropriate proceedings. As far as this Contempt of Court Case is concerned, I need only examine whether the directions issued by the learned Judge in the judgment in OP.No.11435/1991 have been complied and not whether the petitioners feel fully satisfied.

The Contempt of Court Case is, therefore, closed.

K.K.DENESAN, JUDGE.

kvs/-